

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms
Secretariat Administration and Co-ordination Division

Order

No. 17/6/80-SA&C

On deputation from Government of India, Ministry of Information and Broadcasting, Shri V. K. Nalk, a permanent Grade IV and officiating Grade II Officer of the Central Information Service working at present as Assistant News Editor, All India Radio, Panaji is appointed as Press and Cultural Adviser (Group 'A' Gazetted) Government of Goa, Daman and Diu in the pay scale of Rs. 1500-60-1800 against the post created under Government Order of even number dated 22-9-1980, for an initial period of one year, w.e.f. the date of his joining, on the standard terms and conditions laid down by Government of India in their O.M. No. F. 1 (11)-E.III(B)/75 dated 7-11-1975 (incorporated as Appendix 31 of C.S.R., Vol. II) as amended from time to time. His pay will be regulated under F. R. 35.

By order and in the name of the Administrator of Goa, Daman and Diu.

Damaso Rebelo, Under Secretary (S.A.&C.).

Panaji, 10th October, 1980.

Corrigendum

No. 1/1/70-SA&C(Vol. III)

In the order of even number dated 27-9-1980 published in the Official Gazette Series II No. 27 dated 3-10-1980 wherein the name "Shri S. G. S. Kakodkar" is appearing, it should be corrected to read as "Shri S. B. S. Kakodkar". The words "vide the above cited order" appearing in the second line of para 2 should be deleted and instead the same should be inserted in between the words "And whereas the President" and "is pleased to ..." appearing in the third line of the same para.

Damaso Rebelo, Under Secretary (S. A. & C.).

Panaji, 10th October, 1980.

Works, Education and Tourism Department

Order

No. 12/12/80-WET-RDK

Shri R. D. Kossambe is hereby temporarily appointed as Assistant Professor in Civil Engineering in the College of

Engineering, Goa, with effect from 1-10-1980 (F. N.) on an initial pay of Rs. 1100/- per month in the pay scale of Rs. 1100-50-1600 plus the usual allowances admissible from time to time against the vacancy caused due to deputation of Shri A. M. Deshmukh, Asstt. Professor for training under Quality Improvement Programme.

The appointment is subject to the conditions specified by this Office Memorandum of even number dated 6-8-1980 and the rules and regulations laid down by Government from time to time.

The appointment is purely on ad-hoc basis and will not bestow any claim for regular appointment, promotion to a higher post and seniority and will be liable to be terminated by one month's notice or with payment of one month's salary in lieu of the notice.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Works, Education and Tourism).

Panaji, 8th October, 1980.

Local Administration and Welfare Department

Order

No. 11-11-80/LAWD

The Government is pleased to set up a Feeder Cell for this Territory in the Directorate of Civil Supplies and Price Control, Panaji, consisting of the following:-

- (1) Revenue Secretary — Chairman.
- (2) The Director of Civil Supplies and Price Control — Member and Liaison Officer.
- (3) Inspector General of Police — Member.
- (4) State Marketing Officer — Member Secretary.

The functions of above Cell will be as under:

(1) The Feeder Cell will report to the Central Control Room, of the Cabinet Secretariat, New Delhi the information with regard to price of essential commodities every Friday in the prescribed proforma, indicating the factors for strains developing and remedial action taken or proposed to be taken.

(2) The above Cell will monitor to the Central Control Room of the Cabinet Secretariat details of the Essential Commodities of Rice, Wheat, Edible Oil, Sugar, Diesel, Kerosene, Soft Coke and Salt.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 25th September, 1980.

ANNEXURE A

(To be sent every Friday)

Weekly Report from State/UT

No.	Name of commodity	Quota allotted to be received during the month of	Quantity actually received during the month up to —	Cum quota due to be received from 1st Jan. 80 to —	Cum total qty. actually received from 1st Jan., 80 to —	Reasons for short receipt	Off-take during the month upto	Total of Cum. Off-take/qty. issued from 1st Jan., 80 to —	Remarks
1	2	3	4	5	6	7	8	9	10
1.	Wheat								
2.	Rice								
3.	Sugar								
4.	Edible oils								
5.	Kerosene								
6.	Diesel								
7.	Soft coke								
8.	Salt								

Note: If any of the above commodities is not being monitored in the State on account of its easy availability or lack of demand, its figures need not be relayed, e. g. Salt in Gujarat & Tamilnadu etc.

ANNEXURE B

(To be sent every Friday)

Report on Price of Essential Commodities for the Week ended

Commodity	Price			Current price as compared to previous week				Availability		Scores
	Wholesale Rs./Qtl. Minimum	Maximum	Retail Rs./Kg. Minimum	Maximum	Same	Marginal Change	High	Comfortable	Adequate	
1	2	3	4	5	6	7	8	9	10	11

Note: Astrie (*) may please be put under the applicable columns out of columns 6 to 11.

Revenue Department

Notification

No. 22/48/80-RD

Whereas by Government Notification No. 22/48/80-RD dated 3-7-1980 published on page 177-178 of Series II, No. 15 of the Official Gazette, dated 10-7-1980 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. construction of Sea side retaining wall cum approach road at Ghoghla (Diu).

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after consi-

dering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Civil Administrator Diu, to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Civil Administrator Diu, till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Diu	Ghoghla	1	1374 (Part)	Shri Mangar Ram, Main Road, Ghoghla.	227.35
Total						227.35

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 7th October, 1980.

Notification

No. 22/79/80-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of Pump House for Rural Water Supply Scheme to villages Xeldem & Amona, Quepem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. Cell, Altinho, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. Cell, Altinho, Panaji.
3. The Executive Engineer, Works Division XVII, P.W.D. RWS, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (Cell) Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Sub Div. No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Quepem	Quepem	1 (Part)	89	1. Vithal Pughotam Gosavi Bharne. 2. Savitri Ganpat Gosavi Bharne. 3. Anandi Vaman Gosavi Bharne.	1300.00
Boundaries:						
North: Road, S. No. 90.						
South: River & S. No. 89, Sub. Div. No. 1.						
East: Survey No. 89, Sub. Div. 1.						
West: Survey No. 90 & River.						
Total						1300.00 Sq. mts.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 7th October, 1980.

Notification

No. 22/84/80-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for PHE Complex at Fatorda, Margao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. Cell, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. Cell, Panaji.
3. The Superintending Engineer V (PHE), P.W.D., Altinho, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. Cell, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	P.T.S. No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Salcete	Margao	77	6	H. Shri Domingo Manual Jose Quadres. H. Shri Jorge Menino Milagres Quadres. <i>Boundaries:</i> North: P.W.D. road. South: Nalla. East: P.T.S. No. 77. West: — do —	10759
2.	— do —	— do —	77	7	H. Shri Francisco Xavier Quadres. North: P.W.D. road. South: Nalla. East: P.T.S. No. 77. West: — do —	7273
						18032 Sq. mts.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.
S. Regunathan, Secretary (Revenue).
Panaji, 7th October, 1980.

Public Health Department

Order

No. 5/56/79-PHD

On the recommendations of Union Public Service Commission and in consultation with the Government of India, the Lt. Governor of Goa, Daman and Diu is pleased to appoint Dr. N. K. Mazumdar to the post of Professor of E. N. T. in Goa Medical College, Panaji in the pay-scale of Rs. 1800-100-2000-125/-2-2250 plus N.P.A. at the rate of Rs. 600/- p.m. with effect from the date of his joining to the post until further orders. His appointment is subject to the terms and conditions mentioned in Govt. Memorandum of even number dated 8th January, 1980.

This is in continuation to the Memorandum of even number dated 30-5-1980.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 1st October, 1980.

Industries and Labour Department

Order

No. ILD-4754-78

Shri T. R. Raman, Assistant Engineer (Electrical) is hereby promoted as Executive Engineer (Electrical) in the scale of pay of Rs. 1100-1600 on ad-hoc basis and posted in Electrical Division II (Stores and Workshop) Margao, with immediate effect. Shri Raman should take over charge of Division II from Shri T. Nagarajan, Executive Engineer, who is looking after the said Division.

The above promotion will not bestow on Shri Raman, a claim for regular appointment and the service rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Industries and Labour).

Panaji, 13th October, 1980.

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Industries and Labour).

Panaji, 15th September, 1980.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

Reference No. IT/37/73

Smt. Rada Shetty — Workman/Party I
V/s.

M/s. Industria Nacional de Telhas, — Employers/Party II
Curchorem, Goa.

Workman/Party-I represented by Shri D. Fernandes, General Secretary of the Goa National Commercial Employees Sangh, INTUC Office, Curchorem.

Employers/Party-II in person.

AWARD

This is a Reference made by the Government of Goa, Daman and Diu by its Order dated 17-11-73 for adjudication by this Tribunal of an Industrial Dispute existing between the Management of M/s. Industria Nacional de Telhas, Curchorem, Goa (hereinafter called the 'EE/P-II') and their Workman Smt. Rada Shetty (hereinafter called the 'W/P-I') represented by the Goa National Commercial Employees Sangh, INTUC Office, Curchorem, Goa (hereinafter called the 'Union').

2. The terms of the Reference are as follows:

Whether the action of the management of M/s. Industria Nacional de Telhas, Sanvordem-Curchorem, in terminating the services of Smt. Rada Shetty with effect from 14-2-77 is justified and legal?

If not, to what relief the concerned workman is entitled to?"

3. On behalf of the W/P-I, the General Secretary of the Union filed the Claim Statement on 11-2-74 in which it was alleged as follows:

(1) That the W/P-I was working with the Company since 1968 at their Factory situated at Sanvordem-Curchorem as general Employee doing general work more particularly at the Revolvers Press and has been attending regularly to her work in the Factory when all of a sudden on 14-2-72 she was stopped from discharging her duties by the EE/P-II without any notice or reason.

(2) That the termination of her services by the EE/P-II was mala-fide and act of victimisation as they knew that she was actively participating in Union activities.

(3) That after the termination of her services, the EE/P-II have engaged some more workers in the Factory.

(4) That the action taken by EE/P-II was vindictive and improper because that was done during the pendency of Charter of Demands in which all the Workmen of the Company were involved and which Dispute had been admitted in Conciliation by the Commissioner for Labour (see: File No. LC/1/ID(6)72).

(5) That the W/P-I raised an Industrial Dispute before the Commissioner for Labour under her letter dated 29-2-79 but no relief could be obtained.

(6) That the Termination of her Services being illegal, improper, unjustified and vindictive, the EE/P-II should be directed to Reinstate her in Service with full Back Wages and maintain Status-quo ante.

4. The EE/P-II filed their Written Statement on 25-9-74 raising a Preliminary Objection i.e. that the Union has no locus standi to represent the W/P-I and alleging that the W/P-I was working in the factory as a Casual Worker on Daily Wages for sometime in 1968 and thereafter she stopped working and again worked as Casual Worker in the same Factory for a period of about 8 months in 1971 also on Daily Wages, that stopping Casual Worker from work does not amount to Change in Service Conditions and is not illegal even if a Charter of Demands is pending. It was also denied that there have been any victimisation of W/P-I.

5. The Roznama of this Reference which started when the Industrial Court, Maharashtra-Bombay was presided over by Shri M. G. Chitale and was having jurisdiction to adjudicate this matter, shows that Issues were settled on 10-7-75 in the time of my learned Predecessor Dr. R. V. Kollali. These Issues are on record.

These Issues are as follows:

(1) Whether Smt. Rada Shetye is entitled to the benefits of S. 33(1)(a)&(b) of the Industrial Disputes Act, 1947, on the ground that the Conciliation Proceedings were pending at a time when her Services were stopped by the II Party?

(2) Whether she is a Casual Worker or Permanent Worker?

6. Thereafter, the evidence of the Manager of EE/P-II Shri M. Cotta was recorded on 23-2-77 in the absence of W/P-I or anybody to represent her.

7. But the matter did not proceed a step further till it was placed before me and I fixed date for hearing.

8. From the discussions held between the parties in this Tribunal, I found that the W/P-I is no more interested in the Reinstatement in Service since her husband who was also a Workman of EE/P-II has left their Services and established with a small Beedi Shop at Curchorem.

In the circumstances, an Amicable Settlement was tried and after some Sittings, a Settlement was arrived at in Terms of which the EE/P-II undertook to pay an amount of Rs. 500/- as ex-gratia Payment to W/P-I in full and final settlement of all her claims and also to pay her any amount of Bonus which have not been paid and accordingly, an amount of Rs. 500/- plus Rs. 60/- of Bonus for the accounting year 1971-72 has been paid in this Tribunal by the EE/P-II to W/P-I today. Both the Memorandum of Settlement and the Receipt of Payment are on record.

9. It is a fact that there is small dispute about the amount of Bonus to which the W/P-I is entitled to as it is seen

from the Application dated 3-9-80 of Shri Fernandes, the General Secretary of the Union representing W/P-I but for the purpose of finding out what is the actual amount W/P-I have to receive on account of Bonus from EE/P-II, the later has been directed to produce the Bonus Registers in forms 'A', 'B' and 'C' under the Payment of Bonus Act, 1972, in respect of the Accounting years 1969-70, 1970-71 and 1971-72 and the matter has been fixed for Settlement of the Bonus amount on 24th instant. But this does not affect the Settlement as arrived above. It is a question of minor details which can be trashed out and has no implication as far as the validity, propriety and reasonableness of the Settlement is concerned.

10. In this view of the matter, I find that the Settlement arrived at is reasonable and proper and I pass the following Order:

ORDER

The Reference stands settled as per the Memorandum of Settlement on record which will form part of this Award.

No Order as to the Costs.

Panaji
3-9-1980.

(Dr. J. J. Coelho)
Presiding Officer,
Industrial Tribunal.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

IT/37/73

Workman Radha Shetty
V/s

— Workman/Party I

M/s. Industria Nacional de Telhas — Employers/Party II

Memorandum of Settlement

SHORT RECITAL OF THE CASE

This is a Reference made by Government of Goa, Daman and Diu on 17-11-1973 of an Industrial Dispute between M/s. Industria Nacional de Telhas and their Workman Radha Shetty regarding the termination of her Services made by Employers/Party II w.e.f. 14-2-1977.

The case of Employers/Party II was that the Workman/Party I was a mere casual labourer and as such her services could be terminated at any time without notice.

The case of Workman/Party I was that her services could not be terminated as there were Conciliation Proceedings pending at the time in the Office of the Commissioner.

It is now more than 8 years that the services of Workman/Party I were terminated and during these long years of the pendency of the dispute, she has find a way out for making her living, herself and her husband are having a small Beedi-Shop and she is no more interested in the employment with the Employers/Party II since her husband too left their employment.

In the circumstances, the parties has arrived at an Amicable Settlement and the terms of the Settlement are under:

TERMS OF SETTLEMENT

(1) The Employers/Party II undertake to pay the amount of Rs. 500/- (five hundred rupees only) as Ex-gratia payment in full and final settlement of all the claims of Workman/Party I.

(2) The Workman/Party I declares that she has no dispute nor claim to make against the Employers/Party II of whatsoever nature may it be.

(3) Employers/Party II undertake to make actual payment by way of Draft on 3-9-80, at 11.00 A. M. on which date the Draft will be produced in the Tribunal and collected by the Workman/Party I and receipt will be issued thereof by the Workman/Party I to the Employers/Party II.

(4) Whatever Bonus the Workman/Party I is entitled to for the period from 1-4-71 to 14-2-72, if any, shall be

paid on the above date and will add to the above amount of Rs. 500/-.

Shridhar Rama Prabhu Chodanker

Sd/-

For the Employer/Party II
(Adv. Shridhar Rama Prabhu Chodanker)

The Workman/Party I
(Representative of the Workman/Party I Shri Dionisio Fernandes The Gen. Secretary Goa National Commercial & Gen. Emp. Sangh.)

Before me
(Dr. J. J. Coelho)

Panaji

26-8-80.

Presiding Officer,
Industrial Tribunal.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

Reference No. IT/8/79

Mengo Shanu Kunkolienkar — Workman/Party I
V/s.

M/s. Hotel Cafe Real, Panaji — Employers/Party II
Workman/Party I in person.

Employers/Party II represented by Shri A. Jog, Labour Adviser.

AWARD

This is a Reference made by the Government of Goa, Daman and Diu on 16-3-79 for adjudication by this Tribunal of an Industrial Dispute between M/s. Hotel Cafe Real, Panaji (hereinafter referred as 'EE/P-II') and their Workman Mengo Shanu Kunkolienkar (hereinafter referred to as 'W/P-I').

2. The Reference is made under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter called 'The Act').

The terms of the Reference are as under:

"Whereas the action of the Management of M/s. Hotel Cafe Real, Panaji in terminating the services of Shri Shanu Mengo Kunkolienkar, with effect from 1-3-78 is legal and justified.

If the answer be in negative, to what relief if any, is the aforementioned Workman entitled to?"

3. When the W/P-I was served of the notice he appeared before this Tribunal on 2-6-79 and requested time for filing his Claim Statement, which was granted to him and 7-7-79 was fixed for that purpose. In the meantime, the W/P-I made an Application to this Tribunal dated 28-4-79 (which was actually received on 26-7-79) alleging that his removal was without reason and the EE/P-II was neither taking him back nor paying him any compensation. However, he did not file a formal Statement of Claim. I, therefore, examined him in this Tribunal.

4. The EE/P-II on their part, did not file their Written Statement. But on their behalf Shri Jog, learned Labour Consultant, appeared before me at a later stage. I examined the Managing Partner of the EE/P-II Shri Sitaram Vishnu Shirodkar so as to make me aware of their case. He deposed to the fact that the services of the W/P-I were not actually terminated, but he abandoned them after remaining absent on leave many a times for which he was reprimanded by the Management. In view of the above Statements i.e. The Statement of W/P-I on one side and the Statement of the Managing Partner of the EE/P-II on the other, the following Issues were framed:

(1) Do the EE/P-II prove that the W/P-I abandoned the services?

(2) Do the EE/P-II prove that the termination of the services of the W/P-I, if any, is legal and justified?

(3) Does the W/P-I prove that his services were illegally terminated and what are the reliefs to which he is entitled?

5. Both the parties led their evidence and on evidence on record the following Answers are given to Issues framed.

6. Regarding Issue No. 1, I do not believe that the W/P-I abandoned the services. As it is spoken to by the Management's Witnesses Ashok Narvekar and Sitaram Shirodkar, W/P-I used to remain absent on one pretext or the other and cause inconvenience and dislocation to the work. Now, if this is so, there are more probabilities of the Management having terminated the services of the W/P-I than of his having abandoned them. And significantly enough, none of the Management witnesses have supported the statement of the Managing Partner of the EE/P-II Shri Shirodkar that the W/P-I abandoned the services. On the other side, the Witness Dattu B. Naik of the W/P-I has spoken to the fact that W/P-I was removed from service though he did not spell out the reason why this was done. So, the plea of W/P-I having abandoned voluntarily the service of the EE/P-II has been discarded.

7. I shall now pass on to see whether the case of the W/P-I of his service having been illegally terminated by EE/P-II is proved. In this regard, it is worth mentioning that the EE/P-II has impliedly admitted that they have dismissed the W/P-I from service and tried to justify their action on the ground that he was used to remain absent on and often and give lame excuses for his absence and that was in a way to cause serious inconvenience and dislocation of work. Further, Shri Shirodkar, the Managing Partner of the EE/P-II, has deposed that W/P-I was the most irresponsible person in their establishment and there was no remedy in his case. Now, the only reasonable conclusion to draw from these circumstances is that the EE/P-II dismissed the W/P-I from the service.

8. Now, the EE/P-II has produced the evidence of two Witnesses to prove that the W/P-I used to remain absent from duty. One of the Witnesses examined is Rama Arjun Salkar, Sweet-Maker and Head of the Kitchen of Hotel Cafe Real. He said that he is working for the EE/P-II for the last 29 years. He further said the W/P-I was working under him in preparing baji puries, batta Waddas and other items of eatables and that he used to go home and stay two or three days now and then. But very significantly, he avoided to say that the absences of the W/P-I were not permitted by the Management. And the way how Shri Shirodkar himself, the Managing Partner of the EE/P-II, deposed that they used to ignore the absences of W/P-I is in order to show that such absences were either expressly or tacitly permitted. The Second Witness of the Management is a Clerk working for EE/P-II Ashok S. Narvenkar who produced the Register of Employment for the period from February, 1976, to December, 1977, and from January, 1978, to December, 1979, and said that the W/P-I remained absent for 22 days in 1976, 26 days in 1977 and 27 days in 1978. I have gone carefully through the Registers produced by Witness Narvenkar and have found that the Absences of the W/P-I are as follows:

Year 1976

Month	Presentee	Absentee	No. of absences
February	Whole Month	—	—
March	— do —	—	—
April	— do —	—	—
May	— do —	—	—
June	— do —	except 19, 25 & 26	3
July	— do —	except 3, 5 to 10, 12	8
August	— do —	—	—
September	— do —	—	—
October	— do —	except 5, 6, 7 and 25 to 30	9
November	— do —	except 29 and 30	2
December	— do —	—	—
Total			22

Year 1977

Month	Presentee	Absentee	No. of absences
January	Whole Month	—	—
February	— do —	12th	1
March	— do —	—	—
April	— do —	—	—
May	— do —	except 9 to 14 & 16	7
June	— do —	except 20th	1
July	— do —	except 25 & 26	2
August	— do —	except 25 & ½ day on 26th	1½
September	— do —	—	—
October	— do —	except 14, 15, 17, 20, 21, 22, 24 to 29 & 31	13
November	— do —	—	—
December	— do —	half day on 28th *	—
Total			26

* 1 — The Register does not show whether the W/A was absent from 6 to 27. The corresponding spaces are kept blank. But he is not marked present.

Year 1978

Month	Present	Absent	No. of absences
January	Whole Month	except 14, 16 to 21, 23 to 25 & 27, 28	14
February	— do —	except 1, 3, 4, 6 to 11*3, 13 to 16 and 28	13
March	— do —	Whole Month *4	—
Total			27

*2 — On the Remarks Col. against the name of W/P-I in the Register there is a remark that he 'Left Services'.

*3 — There is no such Remark in the month of February.

*4 — But in March, there is the same Remark.

As it is seen from the above Chart, the W/P-I appears to have been absent in 1976 for 22 days, in 1977 for 26 days and in 1978 for 27 days, but he was not given any opportunity by the EE/P-II either to give explanation of his absences, if any, including by conducting a Domestic Inquiry and was straightaway dismissed from service or refused work, so this is a clear case where the Principles of Natural Justice have not been followed and the W/P-I has been removed from service in an arbitrary, illegal and high-handed manner. If the EE/P-II wanted to justify their action based on the unauthorised absences of the W/P-I, then they should have put their case to him, at least, when he was examined in this Tribunal and seek his explanation and actually it is not known if the so-called absences of W/P-I are actually such or unauthorized absences which could be taken as Leave under the Shops and Establishments Act, 1963, or are justified on the ground of illness or otherwise. The above Registers themselves show that absences of W/P-I were not new and not having taken notice of them or having permitting them tacitly all through, the EE/P-II could not all of a sudden and without any warning, take notice of them and punish him with the penalty of terminating his services without, at least, giving him opportunity to show that such absences are justified and or could be regularised under the law or the Standing Orders of the Company, if any.

4. In this view of the matter, the justification that the EE/P-II have tried to give of their action is not at all acceptable and is no justification at all. No man shall be bit on his back. This is the Principle of Natural Justice and most basic principle.

5. As it seem from the Conciliation Proceedings No. IRM/CON/(121)/78, the W/P-I attended the Labour Commis-

oner's Office, at least, 13 times while the Management did not attend at least, 9 times, thus giving place for adjournments of the meetings fixed for bringing the parties to an Amicable Settlement and delay in finalising the Case and unnecessary expenses to the W/P-I. They were also not prompt in this Tribunal.

6. Hence, I pass the following Order:

ORDER

The action of the EE/P-II in terminating the services of the W/P-I is illegal and unjustified. The W/P-I is entitled to be Reinstated in Services with Continuity of Service and full Back Wages w. e. f. 1-3-73 till actual date of Reinstatement with 6% interest thereon.

The EE/P-II to pay costs of Rs. 200/- to the W/P-I and take appropriate action for Compliance of this Award.

Panaji
1-7-80.

(Dr. J. J. Coelho)
Presiding Officer,
Industrial Tribunal.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

Reference No. IT/20/79

Vassudeo Pilgaonker
V/s

— Party I

M/s. Arlem Breweries Ltd.,

— Party II

Workman/Party I — represented by Shri D. V. Sawant, Advocate, Panaji.

Employers/Party II — represented by D. P. Sinha, Manager Industrial Relations (without authority).

AWARD

This is a Reference made on 2-8-79 by the Government of Goa, Daman and Diu for adjudication by this Tribunal of an Industrial Dispute existing between M/s. Arlem Breweries Ltd., Arlem, Margao, Goa (hereinafter called 'The EE/P-II') and their Workman Vassudeo Pilgaonker, Margao (hereinafter called 'The W/P-I').

2. The terms of the Reference are as follows:

"Whether the action of the Management of M/s. Arlem Breweries Ltd., Margao, in terminating the Services of Shri Vassudeo L. Pilgaonker with effect from 31-1-1979 is legal and justified?

If the answer be in the negative, to what relief if any, is the aforementioned workman entitled to?"

3. The Workman/Party I in reply to the Notice served on him gave in short the particulars of his Claim on 11-9-79 and thereafter filed the Claim Statement on 24-1-80 along with an Application calling for the Certified Standing Orders from Employers/Party II.

In the Claim Statement, he made the following allegations:

(1) That the Employers/Party-II has been removing old employees and replacing them by newly recruited hands, so as to extract the same work from them at a lesser rate of Wages and that the Trade Union concerned is with hands in glove with the Management and is not safeguarding the interest of the Workmen.

(2) That a false allegation was made by the Employers/Party-II against the Workman/Party I and the allegation was that he was gambling in the Breweries during working hours along with his co-workers and was thus Charge-Sheeted and after a bogus Inquiry in which all the principles of Natural Justice were ignored, was suspended from service on 22-11-78 and finally, dismissed with effect from 31-1-79 after having worked 9 years to the Employers/Party-II with clean and good Record of Service.

4. Notice was served on the Employers/Party II for filing their Written Statement and such documents as they may like to produce. The Notice was served on Employers/Party II on 6-2-80 as it is seen from the Acknowledgement Receipt on record which was returned and had entry in this Tribunal under Inward no. 468 on 12-2-80.

5. The Notice was returnable on 25-2-80 and on this date as is seen from the entry made in the Roznama, Shri Sinha appeared for the Employers/Party-II and requested a week's time for filing the Written Statement undertaking to forward a copy of the same to the Workman/Party-I. The next date given was 22-3-80 but nobody was present on this date on behalf of the Employers/Party II nor was any W. S. filed so that the case was to proceed ex-parte taking the Statement of the Workman/Party I on 8-4-80. But as the Tribunal was indisposed on that date, such statement was taken on the next day.

6. Thereafter, the Reference was to be placed before me for ex-parte Award when on 13-6-80 Shri Sinha on behalf of the Employers/Party-II made an Application to the effect that as they could not file the Written Statement by oversight within time they may be allowed to file the same. But this Application was strongly opposed by Shri Sawant, Learned Advocate for the Workman/Party-I, on the following grounds:

- (1) That no sufficient cause is shown to allow the Application.
- (2) That 'Oversight' connotes negligence and lethargy and it cannot be sufficient cause.
- (3) That the stage of filing W.S. was long over and the Proceedings were ripe for Award.
- (4) That Workman/Party-I will be prejudiced if the Application is allowed.

Since the stage of pleadings and even of production of evidence had long passed and the matter was ripe for being disposed off, the Tribunal dismissed the above Application and fixed a date for Arguments, if the Employers/Party-II at all wanted to take the opportunity to argue the case.

Thereafter, Shri Sinha on behalf of the Employers//Party-II filed another Application praying for this Reference and the Reference No. IT/19/79 in which also the Employers//Party-II is one of the parties, to be clubbed together with the Reference No. IT/21/79 which is still in the stage of Production of evidence on the ground that all the three References arises out of the same cause of action. But this Application too was strongly opposed by Shri Sawant for the Workman/Party-I who submitted that the present Reference (as also Reference No. IT/19/79) were in different stages and could not be clubbed together as that would cause prejudice to the Workman/Party-I.

The Tribunal dismissed the second Application too on the ground that this Reference and Reference IT/19/79 were already ripe for Award while Reference IT/21/79 was yet in the stage of production of evidence and clubbing would certainly cause unnecessary delay for the disposal of the first two References which are ripe for decision.

5. So, this Reference is now for an ex-parte Award. The Employers/Party-II did not dispute the plea of the Workman/Party-I that his dismissal from service is illegal, unjustified and amounts to unfair labour practice and victimisation. Actually, the Workman/Party-I has given a Sworn Statement in support of his Claim and that Statement went unchallenged. His allegations against the Inquiry said to have been held by the Employers/Party-II have not been transversed anyway. Hence, I have to admit all the above allegations and hold that the Dismissal from the Service of the Workman/Party-I was illegal, unjustified and amounts to unfair labour practice and victimisation. As such, the Workman/Party-I is entitled to be Reinstated in Service with full Back Wages and Continuity of Service.

6. Hence, the following Order is passed:—

ORDER

The Action of the Management of Employers/Party-II in terminating the Service of Workman/Party-I is illegal and unjustified. The Workman/Party-I is entitled to be Reinstated in Service with Continuity of Service and Back Wages with effect from 31-1-79 with interests of 6% thereon from the date of Dismissal till the date of actual reinstatement.

The Employers/Party-II to pay the costs of Rs. 200/- to the Workman/Party-I and take appropriate action for compliance of this Award.

Panaji.
18-6-80.

(Dr. J. J. Coelho)
Presiding Officer,
Industrial Tribunal.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

Reference No. IT/19/77

Shri M. S. Berne Chinchinim, Salcete-
-Goa — Workman/Party I
V/s.

M/S. Emco Goa Pvt. Ltd., Station
Road, Margao, Goa — Employers/Party II

Workman/Party I in person.

Employers/Party II represented by Shri B. G. Kamat,
Labour Adviser.

AWARD

This is a Reference made by the Government of Goa, Daman and Diu by its Order dated 26-3-77 of an Industrial Dispute existing between the Management of M/S. Emco Goa Pvt. Ltd., Margao (hereinafter called the 'EE/P II') and their Workman Shri M. S. Berne (hereinafter called the 'W/P I').

2. The terms of the Reference are as follows:—

"Whether the action of the management of M/s. Emco Goa Pvt. Ltd., Margao, Goa, in dismissing Shri M. S. Berne, Clerk G-I, with effect from 12th November, 1975, is legal and justified?

If not, to what relief the workman is entitled to?"

3. W/P I filed his Claim Statement on 4-8-77 in which he alleged that he was Dismissed from Service w.e.f. 12-11-75 because he was the General Secretary of the Goa General Offices and Establishments Staff Association (hereinafter called 'The Union') and though he demanded from EE/P II his Reinstatement in Service with full Back Wages and Continuity of Service, the Management neither replied to his letter nor took any action in that direction and the same attitude continued even after the matter was referred to the Commissioner for Labour.

4. After two successive long adjournments, the EE/P II filed their Written Statement on 5-11-77 in which certain Preliminary Points were raised (which are not necessary for me to examine at this stage) and on the merits, it was alleged that the W/P I has been Dismissed from Service on very good grounds namely for Serious Misconduct and after proper, fair and due Domestic Inquiry.

5. The W/P I filed its Rejoinder on 2-12-77 in which he tried to rebut the Counter-allegations of the EE/P II.

6. Thereupon, evidence was taken on the Issue of Fairness of the Domestic Inquiry held by EE/P II and after hearing both the parties, my learned Predecessor in Office Dr. R. V. Kollali passed an Order dated 10-7-79 holding that the Domestic Inquiry was fair and proper.

7. In the circumstances, there is hardly need for me to state that this Tribunal found that the Inquiry was properly conducted and impliedly that the Findings of the Inquiry Officer were correct and justified.

8. The only point, therefore, now for me to consider is whether there was victimisation of the W/P I on account of his being the General Secretary of the Union.

9. In this regard, however, I do not find on record any evidence to justify an affirmative answer. Actually, the Records do not show that there have been victimisation of the W/P I for his Trade Union activities. It is a fact that W/P I has alleged such victimisation, but he utterly failed to prove it. In fact, he did not produce any evidence and the letters written to the Management of EE/P II speak

for themselves and nothing has been shown to explain the writing of such strongly worded and apparently disrespectful and insulting letters by W/P I.

If addressing of such letters to the Management was justified in this context of the circumstances, it was for W/P I to prove it.

10. This being the case and since W/P I did not care to prove his case of victimisation, I have no other alternative than to hold against him and pass this following Order:—

ORDER

The action of the Management of M/s. Emco Goa Pvt. Ltd. in dismissing W/P I w.e.f. 12-11-75 appears to be legal and justified.

No Order as to the Costs.

Panaji

15-5-80.

(Dr. J. J. Coelho)

Presiding Officer,
Industrial Tribunal.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

Reference No. IT/10/75

Shri B. R. Tendulkar

Shri R. L. Shinde

Shri Francisco Gabriel Martins — Workmen/Party I
V/s.

M/S. Gomantak Pvt. Ltd., Panaji-Goa — Employers/Party II

Workmen/Party I represented by Shri N. G. Rebello,
General Secretary, Newspapers and Press Employees'
Union, Betim, Bardez, Goa.

Employers/Party II represented by D. P. Sinha, Mana-
ger, Industrial Relations.

AWARD

This is a Reference made by the Government of Goa, Daman and Diu by its Order dated 28-1-75 for adjudication by this Tribunal of an Industrial Dispute existing between the Management of M/s. Gomantak Pvt. Ltd. Panaji, Goa (hereinafter called 'EE/P II') and their Workmen S/Shri B. R. Tendulkar, R. L. Shinde and Francisco Gabriel Martins (hereinafter called 'WW/P I') represented by The Newspapers and Press Employees' Union, Betim, Bardez, Goa.

2. The terms of the Reference are as follows:—

"Whether the action of the Management of M/s. Gomantak Pvt. Ltd., Panaji, Goa, in terminating the services of Sarvashri B. R. Tendulkar, R. L. Shinde and Francisco Gabriel Martins with effect from 21-11-1973 was legal and justified?"

If not to what relief the said workmen are entitled and from what date?"

3. On 4-8-75, the General Secretary of the Newspapers and Press Employees' Union Shri N. J. Rebello filed the Statement of Claim on behalf of the WW/P I in which it was alleged as follows:—

(1) That the EE/P II illegally terminated the services of the WW/P I on the utterly false and baseless ground that the "Gomantak" daily and weekly additions were going to be reduced into few pages due to shortage of newsprint resulting in reduction of work.

(2) That the shortage of newsprint was of short duration and normalcy was restored soon and the WW/P I were actually in service during the time the daily Gomantak was published in four pages and that the reduction of pages had no connection whatsoever with the work of WW/P I.

(3) That they were selected for being victimized and their services were terminated though they were not juniors to the other Workmen in the same category.

(4) That as far as the alleged shortage of work is concerned due to shortage of newsprint it was not a genuine reason.

(5) That there was no justification to abolish the post of Asstt. Pressman held by the W/P I Shri Francisco Gabriel Martins and his work could not be done by Pressman himself, so much so that the EE/P II had to direct other Workmen to do overtime work, in the Printing Section.

(6) That WW/P I had demanded from the EE/P II Reinstatement in Service but their Demand has been rejected by the Management.

4. The EE/P II after having failed to file Written Statement many a times, finally forwarded the same by the post on 10-1-76. This was during the time of the tenure of this Office by my learned Predecessor Dr. R. V. Kollali.

5. Thereupon, for more than three and half years nothing relevant happened in the Proceedings except adjournment after adjournment for one reason or the other, except the examination of the W/P I Francis Gabriel Martins on 7-7-79.

6. No other evidence has been produced in this Reference either by WW/P I or EE/P II, so that the only claim to be considered is of the W/P I Francis Gabriel Martins who examined himself in support of his claim.

7. He has deposed to the facts that for printing the daily and weekly Papers, two persons were necessary *simultaneously* as it was not possible for one pressman alone to cope up with printing work since the machine was a German Rotary Machine, which requires 4 ballers and two pressmen simultaneously at work. He has produced a copy of the Notice issued by the management (Exh. W-I) showing how in the Printing Press there were only two pressmen. He has further spoken to the fact that after he was relieved from Service w.e.f. 21-11-73, one baller by name Parusram had been looking after the work he used to do. He has also spoken to the fact that it was because of his Trade Union activities that he was removed from the Service. Still he has spoken to the fact that the newsprint difficulty did not affect the publication of the daily and Weekly Newspaper "Gomantak".

8. Now all the above evidence has not been shaken in the Cross-Examination which appears to have been conducted by Sinha, learned Labour Officer for the EE/P II.

9. On the other side, no evidence whatsoever has been produced by EE/P II and, therefore, their allegations that the services of the workmen has been properly terminated after paying them the legal dues and following the principle 'last come, first go' and for good reason namely reduction of work, remained without being proved.

10. In the circumstances, I hold that the W/P I Francisco Gabriel Martins has succeeded in proving that the termination of his services was illegal, wrongful, unjustified and amounts to victimisation for Trade Union activities. This being the case, he is entitled to be Reinstated in Service with full Back Wages and Continuity of Service from the date of termination which is 21-11-73 till the actual date of Reinstatement.

11. Evidence has not been produced in respect of similar claims of the other two Workmen who did not remain present, had not examined themselves or produced any evidence in support of their claims. Therefore, it cannot be said that the action of the EE/P II in terminating their services was illegal and unjustified.

12. For the foregoing considerations, I pass the following Order:—

ORDER

The action of the Management EE/P II in terminating the Services of their Workman Shri Francisco Gabriel Martins w.e.f. 21-11-73 is illegal and unjustified and he is entitled to be Reinstated in Service w.e.f. 21-11-73 with Continuity of Service and full Back Wages with interests thereon of 6% from 21-11-73 till actual date of Reinstatement.

The claims of S/Shri B. R. Tendulkar and R. L. Shinde fail for want of prosecution and are accordingly dismissed.

The EE/P II to pay costs of Rs. 200/- to the Workman Shri Francisco Gabriel Martins and take appropriate action for compliance of this Award.

Panaji

10-6-80.

(Dr. J. J. Coelho)

Presiding Officer,
Industrial Tribunal.

**IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN
AND DIU, AT PANAJI**

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

Reference No. IT/19/79

Ulhas M. Naik — Party I
V/s.
M/S. Arlem Breweries Ltd. — Party II

Workman/Party I represented by Shri D. V. Sawant, Advocate, Panaji.

Employer/Party II represented by D. D. Sinha, Manager Industrial Relations (without authority).

AWARD

This is a Reference made on 31-7-79 by the Government of Goa, Daman and Diu for adjudication by this Tribunal of an Industrial Dispute existing between M/S. Arlem Breweries Ltd., Arlem, Margao, Goa (hereinafter called 'The EE/P-II') and their Workman Ulhas M. Naik, Margao (hereinafter called 'The W/P-I').

2. The terms of the Reference are as follows:

"Whether the action of the management of M/s. Arlem Breweries Ltd., Margao, in terminating the services of Shri Ulhas M. Naik, with effect from 31/1/1979 is legal and justified?

If the answer be in the negative, to what relief, if any, is the aforementioned workman entitled to?"

3. The W/P-I in Reply to the Notice served on him gave in short the particulars of his Claim on 11-9-79 and thereafter filed the Claim Statement on 25-1-80 along with an Application calling for the Certified Standing Orders from EE/P-II.

In the Claim Statement, he made the following allegations:

(1) That the EE/P-II has been removing old employees and replacing them by newly recruited hands, so as to extract the same work from them at a lesser rate of Wages and that the Trade Union concerned is with hands in glove with the Management and is not safeguarding the interest of the Workmen.

(2) That a false allegation was made by the EE/P-II against the W/P-I and the allegation was he was gambling in the Breweries during working hours along with his co-workers and was thus Charge-Sheeted and after a bogus Inquiry in which all the principles of Natural Justice were ignored, was suspended from service on 22-11-78 and finally, dismissed with effect from 31-1-79 after having worked 9 years to the EE/P-II with clean and good Record of Service.

Notice was served on the EE/P-II for filing his Written Statement and such documents as they may like to produce. The Notice was served on EE/P-II on 6-2-80 as it is seen from the Acknowledgement Receipt on record which was returned and had entry in this Tribunal under Inward No. 468 on 12-2-80.

4. The Notice was returnable on 25-2-80 and on this date as is seen from the entry made in the Roznama, Shri Sinha appeared for EE/P-II and requested a week's time for filing the Written Statement undertaking to forward a copy of the same to W/P-I. The next date given was 22-3-80 but nobody was present on this date on behalf of the EE/P-II nor was any W.S. filed so that the case was to proceed ex-parte taking the Statement of the W/P-I on 8-4-80. But as the Tribunal was indisposed on that date, such Statement was taken on the next day.

Thereafter, the Reference was to be placed before me for ex-parte Award when on 13-6-80 Shri Sinha on behalf of the EE/P-II made an Application to the effect that as they could not file the Written Statement by oversight within time they may be allowed to file the same. But this Application was strongly opposed by Shri Sawant, learned Advocate for the W/P-I, on the following ground:

(1) That no sufficient cause is shown to allow the Application.

(2) That "oversight" connotes negligence and lethargy and it cannot be sufficient cause.

(3) That the stage of filing W.S. was long over and the Proceedings were ripe for Award.

(4) That W/P-I will be prejudiced if the Application is allowed.

Since the stage of pleadings and even of production of evidence had long passed and the matter was ripe for being disposed off, the Tribunal dismissed the above Application and fixed a date for Arguments, if the EE/P-II at all wanted to take the opportunity to argue the case.

Thereafter, Shri Sinha on behalf of the EE/P-II, filed another Application praying for this Reference and the Reference No. IT/20/79 in which also EE/P-II is one of the parties to be clubbed together with Reference No. IT/21/79 which is still in the stage of production of evidence on the ground that all the three References arise out of the same cause of action. But this Application too was strongly opposed by Shri Sawant for the W/P-I, who submitted that the present Reference (as also Reference No. IT/20/79) were in different stages and could not be clubbed together as that would cause prejudice to W/P-I.

The Tribunal dismissed the second Application too on the ground that this Reference and Reference IT/20/79 were already ripe for Award while Reference IT/21/79 was yet in the stage of production of evidence and clubbing would certainly cause unnecessary delay for the disposal of the first two References which are ripe for decision.

5. So, this Reference is now for an ex-parte Award. The EE/P-II did not dispute the plea of W/P-I that his dismissal from service is illegal, unjustified and amounts to unfair labour practice and victimisation. Actually the W/P-I has given a Sworn Statement in support of his claim and that statement went unchallenged. His allegation against the Inquiry said to have been held by the EE/P-II have not been transversed anyway. Hence, I have to admit all the above allegations and hold that the Dismissal from the service of the W/P-I was illegal, unjustified, and amounts to unfair labour practice and victimisation. As such, the W/P-I is entitled to be Reinstated in Service with full Back Wages and Continuity of Service.

6. Hence the, following Order is passed:—

ORDER

The action of the Management of the EE/P-II in terminating the services of W/P-I is illegal and unjustified. The W/P-I is entitled to be Reinstated in Service with Continuity of Service and Back Wages with effect from 31-1-79 with interests of 6% thereon from the date of Dismissal till the date of actual reinstatement.

The EE/P-II to pay the costs of Rs. 200/- to the W/P-I and take appropriate action for compliance of this Award.

Panaji, (Dr. J. J. Coelho)
18-6-80. Presiding Officer,
Industrial Tribunal

**IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN
AND DIU, AT PANAJI**

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

Reference No. IT/10/78

Shri Mohamad J. Kazi — Party I
V/s.
M/s. Milan Lodging and Boarding — Party II

Workman/Party I represented by Shri P. Ghodge, President, Goa Shops & Industrial Workers Union, Margao — Goa.

Employers/ Party II represented by Shri B. D'Sousa, Advocate, Margao — Goa.

AWARD

This is a Reference made to this Tribunal by the Govt. of Goa, Daman and Diu on 24-1-78 for adjudication of an Industrial Dispute existing between M/s. Milan Lodging and Boarding, Margao (hereinafter called 'EE/P II') and their workman Mohamad J. Kazi (hereinafter called 'W/P I') represented by Goa Shops & Industrial Workers Union, Margao, Goa (hereinafter called 'The Union').

2. The terms of the Reference are as follows:

"Whether the action of the management of M/S. Milan Lodging and Boarding, Margao, in terminating the services of Shri Mohamad J. Kazi w. e. f. 1-4-1977 is legal and justified?

If not, to what relief the workman is entitled to?"

3. The Union filed the Claim Statement on 3-12-78 on behalf of W/P I on which it was alleged as follows:—

(1) That since 1-1-73, the W/P I was working for the EE/P II and as he fell ill, he went on leave from 16-10-1976 and resumed duty on 14-3-77. But after a period of about 15 days, EE/P II unilaterally terminated his services by an Oral Order with effect from 1-4-1977.

(2) That the termination of W/P I's services was without any reasonable cause and for no misconduct.

(3) That the EE/P II did not give him notice nor did pay him his legal dues.

(4) That by letter dated 16-4-77, the W/P I demanded from EE/P II Reinstatement with full Back Wages and Continuity of Service. But EE/P II did not give any reply to his letter.

(5) That in view of the above, he sought the intervention of Commissioner for Labour. But the Conciliation Proceedings ended in failure due to the adamant attitude of EE/P II.

(6) That it was for the first time that in the Conciliation Proceedings, the EE/P II set up the plea that the W/P I had voluntarily abandoned the services which is an afterthought.

In view of the above, W/P I prayed that this Tribunal be pleased to direct EE/P II to Reinstatement him in Service with full Back Wages and Continuity of Service.

4. The EE/P II, on their side, filed their Written Statement refuting the allegations made by W/P I and making counter-allegations as under:—

(1) That W/P I was sanctioned 7 days leave on his Application dated 15-10-76 to start from 16-10-76 and to end on 22-10-76 but he remained absent without reporting for duty from 23-10-76 and was marked absent till the end of October and thereafter till 12-11-76 when the Management received information that he was employed in an Aerated Water Factory at Karwar and accordingly, it was noted down in the relevant Register that he had abandoned the services. He, however, came to Margao, on 30-11-76 and settled his delayed Wages with the Manager of EE/P II.

(2) That thereafter the W/P I came to the Factory on 1-12-76 and collected his Salary of Rs. 86.16/- for the work done in October, 1976.

(3) That the matter could not be settled at the Conciliation Stage because Shri Ghodge, Labour Leader and General Secretary of the Union appearing for W/P I, assumed an arrogant attitude.

(4) That the Workman's services were not terminated with effect from 1-4-77 or any other date but he himself abandoned them from 22-10-76 when on the expiry of his 7 days leave, he did not report for duty as also from 12-11-76, when the Management was given to understand that W/P I was employed in an Aerated Water Factory at Karwar.

(5) That the W/P I collected his Certificate of Employment from the EE/P II wherein it was stated that he left the services without prior intimation, though for better prospects, which clearly indicate that he could not be refused work on 1-4-77.

This W.S. was filed on 23-1-79 when Dr. R. V. Kollali was the Presiding Officer of this Tribunal.

5. When I took charge of this post, I fixed 7-5-80 as the date for framing Issues and actually the following Issues were framed on 7-5-80:

(1) Do the Employers/Party II prove that the termination of the services of the Workman/Party I is legal and justified?

(2) Does the Workman/Party I prove that his services were illegally terminated?

(3) Do the Employers/Party II prove that the Workman/Party I abandoned the services as from 22-10-76?

Thereafter 13th to 15th May last (afternoon) were fixed for recording evidence and as none was present for the EE/P II on any of the above dates, the W/P I was examined on oath and one witness was examined for the W/P I and after the Written Arguments of Shri Godge which are on record, the file is now placed before me for Award.

6. Though the EE/P II filed their W.S. through their Advocate Shri B. F. D'Souza and the later was given notice of the hearing fixed for 7-5-80 (the A. D. is on record), none remained present on their behalf for the hearing taken place on 7th, 13th, 14th, 15th, 19th and 28th, May, last and therefore, the evidence of the W/P I and of witness Mohamed Ali was recorded.

7. The W/P I deposed to the fact that as he fell ill on 16-10-76, he went on leave to his native place where he recovered from the Typhoid and submitted a Medical Certificate to that effect which was accepted by EE/P II; however, after some days, his services were abruptly terminated by Oral Order without giving him any notice or disclosing any reason except that he was no more necessary for service. The W/P I further stated that the Manager told him that since he had organised the Union, he could not be any more in service. This statement of W/P I has been corroborated by his witness Mohamed Ali who has stated that he himself had brought W/P I from his native place at Karwar at the request of Shri Thomas, owner of EE/P II and he had asked Shri Thomas to allow the W/P I to continue in service and Shri Thomas had undertaken to take the W/P I back to service. But that all the four times the W/P I came to join duty, he was refused employment by EE/P II. That no Inquiry was held and no opportunity was given to him to explain his case, which a clear violation of the principles of Natural Justice.

8. So, this is a case where the service of the W/P I has been terminated illegally and without justification. He is, therefore, entitled to be Reinstated in Service with full Back Wages and Continuity of Service.

9. In view of the above considerations, I answer as under to the Issues framed.

(1) No.

(2) Yes.

(3) No.

10. And accordingly the following Order is passed:—

ORDER

The Reference is answered in the negative. The action of the EE/P II in terminating the services of W/P I is illegal and unjustified and W/P I is entitled to be Reinstated in Service with Continuity of Service and full Back Wages with effect from 1-4-77 with interests thereon of 6% per annum from 1-4-77 till the actual date of Reinstatement.

The EE/P II to pay cost of Rs. 200/- and to take appropriate action for the compliance of this Award.
Panaji 28-5-80.

Panaji,
28-5-80.

(Dr. J. J. Coelho)
Presiding Officer,
Industrial Tribunal.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

Reference No. IT/28/78

Shri Das Hari Simepuruskar, Arpora, — Workman/Party I
Goa.

V/s.

Shi Etholredo Jeronimo Pinto and — Employer/Party II
Shri Vinayak Rama Betkar.

Workman/Party I represented by Shri D. V. Govekar,
Advocate.

Employers/Party II in person.

AWARD

This is a Reference made by Government of Goa, Daman and Diu in exercise of powers conferred by Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'The Act') under its 'Order dated 30-3-80 to this Tribunal for adjudication of an industrial dispute existing between S/Shri Etholredo Jeronimo Pinto and Vinayak Rama Betkar (hereinafter called 'EE/P-II') and their Workman Shri Das Hari Simepuruskar (hereinafter called 'W/P-I').

2. The terms of the Reference are as follows:

"Whether the action of the employers Shri Etholredo Jeronimo Pinto and Shri Vinayak Betkar, in terminating the services of Shri Das Hari Simepuruskar, Conductor, with effect from 30th September, 1977 is legal & justified?

If not to what relief the concerned Workman is entitled to?"

3. The W/P-I filed his Claim Statement on 19-8-78 in which he alleged as follows:

(1) That the EE/P-II were conducting Transport Business at Panaji and he was employed as a Conductor.

(2) That he had a clean and unblemished Service Record.

(3) That inspite of this the EE/P-II terminated his Services w.e.f. 13-9-77 without assigning any reasons or without any justification.

(4) That the Termination of his Services is not only illegal malafide, unjustified and bad in law, but null and void in view of the provision of Section 25F of the Act.

(5) That he raised the Industrial Dispute but the Asstt. Labour Commissioner who held investigations had to submit a Failure Report because the EE/P-II remained absent.

(6) That the Termination of his Services being null and void there is no termination and jural relationship of Master and Servant and W/P-I is supposed to be in service as if there was no Retrenchment.

4. Notices were issued to both the EE/P-II, but while Notice issued to Vinayak Rama Betkar was served on him (A/Ds are on record), the Notices issued to the Shri Pinto were always returned with the information that he left the Country. Shri Betkar did not file his Written Statement. However, there is a Statement of Shri Betkar on record dated 26-6-78 called 'Declaration' in which he has stated that Tata Mercedes Benz Bus registered under No. GDT 2217 has been sold in 1972 to Smt. Bella Pinto a resident of Siolim, Bardez, for Rs. 86,000/- and she has already paid that amount and is now the full and sole owner of the Bus. Naturally, this 'Declaration' was filed by Shri Betkar on 20-12-78 had the purpose of disclaiming responsibility for Reinstatement of W/P-I with Back Wages and Continuity of Service or for evading the consequences of Wrongful Termination of his Services by proving that the Transport Business has ended and it was not possible to Reinstatement him in Service. The above 'Declaration' met with the Reply from W/P-I in which it was alleged that inspite of several opportunities given by this Tribunal to EE/P II for filing their Written Statement, they failed and neglected to do so even when the Tribunal gave them the last opportunity, that such 'Declaration' has no evidential value, that even if the Bus has been sold to someone else, the Certificate of Registration of the vehicle is yet in the name of Shri Betkar and that EE/P II are using and delaying tactics and, therefore, this case is a fit one for ex-parte Award.

5. When the matter was placed before me, I framed following Issues:—

(1) Do the Employers /Party II prove that they were justified in terminating the services of the Workman /Party I?

(2) Does the Workman/Party I prove that the Termination of his Services is illegal, void and null, therefore, he is entitled to Reinstatement with the Continuity of Service and full Back Wages?

6. Thereupon, the W/P I was examined on oath before this Tribunal and the matter is now placed for Award.

7. Since the allegations made by W/P I in his Claim Statement has not been denied and he has spoken to these allegations in his Sworn Statement before this Tribunal, I find this is a fit case for an ex-parte award to be made. There is no justification whatsoever apparent on the face of the Record as to why the Services of the W/P I were terminated. Significantly enough, even Shri Betkar did not deny this, though he had abundant opportunity to do so and the only circumstance which is in his 'Declaration' referred to above, is that at present the Bus No. GDT 2217 on which the W/P I was working as Conductor for nearly 8 years (counting one year as Cleaner) is of the sole ownership of Mrs. Pinto and does not belong to him. But this is not confirmed by any circumstance and actually Betkar avoided to file an Affidavit to that effect. And as the evidence of the W/P I, the above Bus is still in the name of Shri Betkar in the Office of R. T. O. But even if the Bus had been already sold, even then, the EE/P II are liable to the consequences of the wrongful Action taken by them against the W/P I and if his Reinstatement in not practicable, then they have to compensate him for the losses suffered by way of Compensation.

8. Now only full Back Wages at the rate of Rs. 175/- per month for a period of about three years would amount to Rs. 6000/-. If the W/P I was Reinstated with full Back Wages, he would have got this amount with interests of 6% interests per annum from the date of the Termination of his Services till actual date of Reinstatement. If reinstatement is not practicable and the EE/P II prefer to compensate him instead, then Compensation will have to be something more. Therefore, the Compensation cannot be less than Rs. 7000/-.

9. In view of the above, I pass the following Order:

ORDER

The action of the EE/P II in terminating the services of W/P I w.e.f. 30-9-77 is illegal and unjustified. The W/P I is entitled either to be Reinstated in Service with Continuity of Service and full Back Wages from the date of the termination till the actual date of reinstatement or entitled for Compensation of Rs. 7000/-.

EE/P II to pay to W/P I costs of Rs. 200/ and take appropriate action in compliance of this Award.

Panaji
29-5-80.

(Dr. J. J. Coelho)
Presiding Officer,
Industrial Tribunal.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. J. J. Coelho, Hon'ble Presiding Officer)

Reference No. IT/32/75

Shri Thomas Monteiro, Calangute, — Workman/Party I
Bardez-Goa.

V/s.

M/s. Loja Braganza, Calangute. — Employer/Party II
Bardez-Goa.

Workman/Party I represented by Shri George Vaz,
Labour Leader.

Employers/Party II represented by Shri Estevao Braganza.

AWARD

This is a Reference made by the Government of Goa, Daman and Diu on 13-10-75 of an Industrial Dispute existing between M/s. Loja Braganza, Calangute, Bardez-Goa (hereinafter called the 'EE/P-II') and their Workman Thomas Monteiro (hereinafter called 'W/P-I').

2. The terms of the Reference are as follows:—

"Whether the action of the management of M/s. Loja Braganza Calangute-Goa in terminating the services of Shri Thomas Monteiro (Salesman), Calangute-Goa with effect from 31-5-75 is legal and justified?

If not, to what relief the workman is entitled to?"

3. The W/P I filed his Claim Statement on 15-11-75 before Dr. R. V. Kollali, my learned Predecessor in Office, in which the following allegations were made:—

(1) That the EE/P II is a prospering concern with Bar and Restaurant and General Stores at Calangute.

(2) That the W/P I had joined the services of EE/P II from 16-10-72 and worked for them until his services were terminated on 31-5-75 without Notice and for No Misconduct and only to evade the provisions of the Shops and Establishments Act, 1973, and the Goa, Daman and Diu Shops and Establishments Rules, 1975, which created certain obligations to the Employers in the benefit of the Workmen.

(3) That the W/P I called on the EE/P II to Reinstate him in service with full Back Wages but they did not do and had to approach the Office of Commissioner for Labour.

(4) That the File of Conciliation Proceedings from the Office of the Commissioner for Labour be called for to rely on the Documents existing in the same.

4. Notice was served on EE/P II to file their Written Statement and they applied for time and within that time sent a letter to the Tribunal on 17-2-76 in the way of W.S. making Counter-allegations and copy of that letter was served on Shri George Vaz who have been appearing along with the W/P I.

The Counter-allegations were as under:—

(1) That the W/P I was appointed on 1-2-75 as Salesman under Rule 35 of the Shops and Establishments Rules, 1975, and not before as alleged by him and on receipt of Appointment Letter, in acknowledgement thereof, he signed on its copy.

(2) That W/P I was appointed initially on probation for a period of six months, but after having served for a few days, it was found that he was stealing articles from the Shop and therefore the Management lost confidence on him on account of repeated thefts.

(3) On termination of his services on 31-5-75, the W/P I was paid of one month Notice Pay on 30-6-75 and that EE/P II is in possession of the Receipt issued by him of the amount paid.

(4) That the Certificates produced by W/P II have no evidential value and as far as Shri Mark Fernandes, signatory of one of the Certificate is concerned, he is in inimical terms with the EE/P II.

5. The Counter-allegations made by EE/P II were strongly refuted by W/P I. He alleged in his Rejoinder dated 26-4-76 that no Appointment letter was given to him, that he started working for EE/P II from 16-10-72, that the Appointment Letter with his signature if any, should be produced for Court verification, that issuance of Appointment Letters started from the time The Shops and Establishments Act, 1973 and Rules made thereunder came into force in this Territory, in 1975, that the story of his stealing articles from the Shop is a pure fabrication and that ever since he started working for EE/P II, no complaint, no charge-sheet, no inquiry or no allegation whatsoever was made against him except after the EE/P II decided to remove him from service, that no Notice Pay was paid to him under the Receipt dated 30-6-75 and such Receipt was a receipt issued by him on 30-4-75 which was tampered with by overwriting the number '6' on the number '4' and, that the Original Receipt should be produced in the Court for verification instead of the Copy and finally, that the Certificates produced by him are genuine documents.

6. The recording of evidence started in this Reference on 2-11-77 i.e. more than 2 years after the Reference was received in this Tribunal and the Statement of W/P I on oath was recorded. Thereafter, the matter has been pending without any step having been taken to record further evidence till I recorded the depositions of 2 Witnesses for the W/P I and as the EE/P II did not want to produce any Witnesses, Written Arguments were filed by both the parties and the matter was placed before me for Award.

7. I had framed the following Issues in this Reference:—

(1) Do the EE/P II prove that they are justified in terminating the Services of the W/P I?

(2) Do the EE/P II prove that the W/P I is guilty of misconduct namely stealing articles from the Shop?

(3) Do the EE/P II prove that the W/P I was paid one month's Notice Pay and all his dues?

(4) Does the W/P I prove that the Termination of his Services was with a view to deny him the Benefits given under the Shops and Establishments Act, 1973 and Rules framed thereunder?

(5) Does the W/P I prove that he was working for less than 6 months and, therefore, he is not entitled to the Benefits under the Shops and Establishments Act?

8. There is no need for me to examine separately the evidence produced in this Reference in respect of each one of the issues framed though I have to have present in my mind such Issues while making this Award. I shall make a consolidated assessment of the evidence produced in respect of all the above Issues.

9. The case of the W/P I is that he has been working for the EE/P II since 16-10-72 as a Salesman at their General Consumers Stores and Liquor Shop at Calangute and that his Services have been abruptly terminated on 31-5-75 without Notice and for no Misconduct but only to evade the provisions of Shops and Establishments Act, 1973 and the Rules made thereunder in 1975 which has been made for the first time in this Territory certain provisions beneficial to a Sector of the Working Class.

10. The case of the EE/P II is on the other side that the W/P I has been working for them only from 1-2-75 for a period of six months on probation under a Appointment Letter and that within few days, he proved to be a thief and therefore, the EE/P II lost confidence on him and terminated his services paying him one month's Notice Pay which he received and acknowledged by Receipt.

11. In support of his case, the W/P I have examined three witnesses, one of them being Shri Mark Fernandes, then President of the Freedom Fighters Association and Chairman of Consumers Co-operative Society, Calangute, Social Worker, Marginal Farmer and Free Lance Writer, who has been resident of Calangute since 1972 till he died some two years back (I take judicial notice of this fact because I myself attended his funeral and is a fact of common knowledge in this Territory). He deposed before Dr. R. V. Kollali, my learned Predecessor on 29-7-77 and from his evidence the following facts are clear: (1) That he had no cause for ill-feeling or animosity against EE/P II; (2) That he has been a member of Calangute Panchayat Committee and he and his family members have been customers of EE/P II and that then the W/P I was working in the same 'Loja Braganza' somewhere from 1972; and (3) That in May, 1975, he was told by the W/P I that he was removed from service.

He denied the suggestions made to him in the cross-examination namely that he was not in talking terms with the proprietor of M/s. Loja Braganza, that he had stopped visiting the Shop from 1974, that he had misunderstanding or reason for grudge against EE/P II and that W/P I worked only from 1-2-75 to 30-5-1975.

12. Another Witness examined by W/P I is Shri Joao Martrys Lobo, Sarpanch of Calangute Village, who used to get his supply from Loja Braganza and used to go there almost everyday. The following facts are proved by the evidence of this Witness:— (1) That he saw W/P I working in that Shop for about two years. (2) That he found that the W/P I was a good worker since he used to do the work diligently, was never absent from the Shop and never came to his knowledge that he had committed any theft or mischief in the Shop or service or never heard any bad references to him in the Calangute Village.

He denied the suggestion made to him in the Cross-Examination that there used to be thefts in the Shop, that he had ill-will or was in inimical terms with the EE/P II and that in the years 1972, 1973 and 1974, the W/P I was not working in the Shop.

13. From the above Statements it is absolutely clear that the case of EE/P II that the W/P I started working from 1-2-75 in his establishment i.e. from the date of the alleged Letter of Appointment which is said to be in the file of the Conciliation Proceedings which are now before me is absolutely false. Had this been the case, the EE/P II could easily prove it through their other employees or any other witnesses

(their neighbours or otherwise). It is true that there is a letter in the file of the Conciliation Proceedings now before me and it appears to have been signed by W/P I but the later has explained as to how his signature was collected by EE/P II. I cannot also ignore the fact that only after the introduction of the Shops and Establishments Act, 1973, in this Territory and the Rules framed thereunder in 1975, the Employees started issuing Appointment Letters to their Employees as it is rightly pointed out by Shri Vaz, learned Labour Leader appearing for W/P I. In view of the fact that, at least, two important persons from Calangute Village state that the W/P I was working in 'Loja Braganza' from 1972, I do not accept the allegation of EE/P II that only from 1-2-75 he started working for them. Either the so called Letter of Appointment was deliberately got prepared for denying to W/A the benefits of the Goa, Daman and Diu Shops and Establishments Act, 1973 or it was made in compliance of that Act and Rules made thereunder but used for the purpose of discarding from the W/P I without much financial burden. In any case, it is a document which does not reflect the correct factual position.

14. Now passing over to the point whether the W/P I was guilty of having committed any such acts as those alleged by EE/P II, the allegation is absolutely unbelievable. First of all, at no time from the time the W/P I started working for the EE/P II in 1972 till the time when his Services were terminated in 1975, there have been no allegation whatsoever that he had ever committed thefts or any act of misconduct except after the Management decided to throw him out of employment. If the W/P I had committed repeated thefts, the most natural step for the EE/P II to take would have been to file a Complaint or disclose the happening to someone working in the Shop or his friend or the incident would have come to the notice of any of his neighbours. But significantly enough, EE/P II could not produce a single Witness, a single Document or any other piece of evidence to show that W/P I had ever committed a theft, a mischief or any other act of misconduct. Not less than the Sarpanch of Calangute Village, Witness Martyrs Lobo has deposed that W/P I was a good worker as was regularly attending the

Shop, working diligently and he did not hear any bad reference to him namely that he had committed a theft.

15. In the circumstances, the justification given by EE/P II for the Termination of the Services of W/P I is unacceptable and is no justification at all in law.

16. On the other side, W/P I made an allegation that it is for evading the provisions of the Goa, Daman and Diu Shops and Establishments Act, 1973 and Rules made thereunder in 1975 that EE/P II terminated illegally his services without Notice. It is a well known fact that the above Act and Rules have created many burdens and obligations to the Employers specially of financial nature, and therefore, many have tried to evade the compliance of such provisions with impunity or little inconvenience. This being the case, I am inclined to accept the allegation of W/P I, though it is not necessary to find an explanation for the action taken by EE/P II. It is enough to know that such action is illegal and not justified in law and therefore, W/P I is entitled to be Reinstated in Service with full Back Wages and Continuity of Service.

17. For the foregoing considerations, I pass the following Order: —

ORDER

The action of the EE/P II in terminating the services of W/P I w.e.f. 31-5-75 is illegal and unjustified. The W/P I is entitled to be Reinstated in Service with Continuity of Service and full Back Wages with 6% interests thereon from 31-5-75 till the actual date of Reinstatement.

EE/P II to pay costs of Rs. 200/- to W/P I and take appropriate action for compliance of this Award.

Panaji
15-7-80.

(Dr. J. J. Coelho)
Presiding Officer,
Industrial Tribunal.